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## OFFICE OF THE CITY CLERK

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# REPORT

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TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: September 14, 2005

REPORT NO.: 05-09

SUBJECT: PROPOSED DATE FOR DISTRICT 2 AND 8 RUN-OFF ELECTION

### ISSUE

Shall the City of San Diego conduct the District 2 and 8 run-off election on January 10, 2006?

### BACKGROUND

During the August 1, 2005 City Council Meeting, the City Council approved item S-405, calling for a special election on November 8, 2005 to fill the Councilmember vacancies in Districts 2 and 8. At that time, the Clerk was still in the process of working with the City Attorney's Office and the Registrar of Voters (ROV) to determine a suitable date for the run-off election. After much research and discussion, January 10, 2006 appears to be the best choice. Several other dates were considered, and a brief outline of the analysis that led to the January 10, 2006 recommendation follows:

December 27, 2005

- December 27<sup>th</sup> is the 49<sup>th</sup> day following the November 8<sup>th</sup> election – City Charter Section 12 requires that the run-off election be held within 49 days of the special primary election.
- State Law requires that absentee voting be available 29 days prior to an election. In this case, that would be November 28<sup>th</sup>. The ROV, however, has 28 days to certify the November 8<sup>th</sup> election results. The certification of a countywide election of this magnitude may require the entire time period. If so, the canvass would not be completed until December 6<sup>th</sup>. This leaves a gap of 8 days between the time absentee voting should begin, and the time we will know who the run-off candidates are, potentially preventing district residents from casting their votes in accordance with the law.
- The 27<sup>th</sup> is the day after the Christmas Holiday. Although the City Charter is silent on this matter, state law prohibits an election the day after a state holiday. In this instance, we would rely on state law in accordance with Municipal Code Section 27.0106(d). There are logistical problems with this date as well. After the results are certified, run-off candidates have the opportunity to revise their candidate's statement of qualifications for the sample ballot and there is a required 10-day public review period for all ballot materials. Additionally, the ROV would need time to translate all ballot materials into Tagalog, Spanish and Vietnamese and to print and mail sample ballots and absentee ballots in a timely manner. At this time of year, poll workers would be difficult to recruit, and many people would be on vacation, out of town or sufficiently distracted by the holidays that it would likely result in record low voter participation.

January 3, 2006

- January 3<sup>rd</sup> is the day after the New Years Holiday and the same factors that impact the 27<sup>th</sup> are at play here. Time is needed for candidates to revise their statements, to provide for a public review period, for translating, printing and mailing ballot materials in a timely manner and for the recruitment of poll workers. People would still be distracted by the holidays and we anticipate that an election on this date would likely result in record low voter participation.

January 10, 2006

- This is the first Tuesday after the holiday season, so avoids the printing, mailing, recruitment and turn-out issues noted for December 27<sup>th</sup> and January 3<sup>rd</sup> above.
- Absentee voting could be accommodated.
- The ROV will have the ability to translate, typeset, print and mail ballot materials in a timely manner. The ROV will also have the time needed and a better ability to recruit poll workers.
- Due to the relatively small size of the two Districts, the canvass could probably be completed within a week.

SUMMARY

Due to a variety of issues – the holiday season and the legal requirements for completing the canvass and providing for absentee voting – the Clerk recommends that the run-off election for District 2 and 8 be held on January 10, 2006. Although this date does not comply with a strict interpretation of the City Charter, it ensures that the needs of the voters in these districts will be met and that they will have ample time to participate in the elections process. The estimated cost for the election in District 2 is \$350,000; District 8 is \$175,000. If you have any questions or concerns, please feel free to contact me or Bonnie Stone, Elections & Information Deputy Director, at 533-4060.

*Liz Maland*

Liz Maland  
City Clerk